NOTICE OF ADJOURNMENT MOTION

Re : *Certain observations made by the Mysore High Court about objectionable conduct of Police Officers*

Mr. DEPUTY SPEAKER.—The Hon'ble Member Sri J. B. Mallaradhya has given a notice of adjournment motion. It reads as follows :

> "That This House do stand adjourned to discuss a difinite matter of urgent public importance to wit, the situation arising out of the recent orders of the High Court of Mysore making certain observations regarding the objectionable conduct of Police Officers in Dharwar and Belgaum Districts in discharging their official duties, which is calculated to lead to a breakdown of law and order in the State."

† Sri J. B. MALLARADHYA (Nanjanguad).—It is with considerable sense of frustration that I invite the attention of the Speaker and the Members of this House to the news appearing in some of the local papers and notably to the leaderette appearing in the Hindu dated 22nd April 1961, bringing prominently to the notice of the readers the very objectionable conduct of the Mysore Police, both at the subordinate level and at the supervisory level. It is calculated not merely to act as a kind of contempt of the courts concerned but it really will lead to the breakdown of law and order situation in many parts of the State.

Sir, briefly stated, the case relates to the immediate provocation for this observation by their Lordship Justice Hegde and Justice Ahmed Ali Khan of the Mysore High Court. The Judical Magistrate of Ranibennur in trying a criminal case of breach of trust appears to have issued summons on more than one occasion to the witnesses who were cited on behalf of the prosecution in that criminal case and on more than one occasion the Police on whose responsibility it was to see that the summons are satisfactorily served, evaded summons. And on three or four occasions the Magistrate had to comment upon the dilatariness of the Police. Ultimately, the Magistrate, who out of sheer sense of frustration, acquitted the accused on account of the failure of the Police to co-operate with the Magistrate in having the summons served on the witnesses. Some excuse must have been pleaded for not serving the summons at the proper time. When the matter came up to the High Court, of course, the order merely on the ground that it would be a kind of harassment to the accused. But in the course of passing that judgement, the Hon'ble High Court were pleased to make a few very relevant observations of a very damaging character on the Mysore Police. The High Court has observed that this is not the first instance in which the course of justice has been impeded by the wilful non-co-operation of the Police. This is a statement made in the orders of the Hon'ble High Court. And they went further to say that the Police appears to have last interests in criminal cases. There interests seems to lie somewhere and in some other matter. Sir, they say also that this deliberate disobedience of a court order has not

occured for the first time, but this has happened on more than one occasion. Then, Sir, the High Court have stated that the situation does not seem to have improved in spite of repeated observations made by the several courts. They have also gone to say that particularly the Dharwar District Police seem to distinguish themselves in the field of non-co-operation with the judical courts lying in their territory and they seem to think that other courts seem to have no better record to show. Sir having stated the facts of the case, as reported in the press, I could not get a copy of the judgement in this particular case nor the records, but this is just sufficient to show that there is something very seriously wrong with the Police of Mysore-both at the lower level and at the higher level. I do not think, Government can escape the liability for this sad state of affair. I consider that there must be some kind of rot that has set in both in the administration of the Police Department and even within its higher level. If they do not take cognisance of such apses on the part of officers who are charged with the responsibility of maintaining law and order, if you are going to treat the orders of the High Court or the orders of the subordinate courts-whether civil or criminal, as a scrap of paper, than it would be very difficult to work democraey. There ought to be kind of liaison or a kind of co-operation between the executive and the judiciary. It is not as if the judiciary should be hand-made of the executive, nor that the executive should disregard the wishes and the orders of the judiciary, but there should be a harmonious combination between the two wings of democracy in trying to secure the fundamental rights of justice to the common man, to the democratic citizen in any country. I put a serious construction on this kind of affair and I would like to know what exactly the Government have go to say about it.

Having regard to the facts which I have placed before this House, I would like to say that this is a urgent matter of public importance, which has caused a lot of serious concern in the public mind and it is upto the Government to allay the impression created in the public mind and I also consider it a greatest disrespect shown to the High Court in the country. I therefore like the Hon'ble Chief Minister or the Home Minister to clarify the situation and let us know whether this matter could not be discussed on the floor of this House.

†Sri H. M. CHANNABASAPPA (Minister for Home).—Sir, I have heard the Hon'ble the Leader of the Opposition with rapt attention in regard to the adjournment motion which he has tabled before this House. While opposing the admissibility of this motion, I should like to make it very clear that it is not the intention of the Government to shut off any discussion on matters of public importance in which the public are interested. In order that a motion may be moved as an adjournment motion, there area set of rules prescribed and the motion must satisfy the requirements of an adjournment motion. I do not like to go in to the merits of the case. Whenever a court or the High Court passes an order, it is the bounden duty of every law abiding citizen to respect it and the responsibility of the Government in

(Sri H. M. CHANNABASAPPA)

respecting the orders of Court whether of the High Court or the Lower Court is certainly very great and the responsibility of the officers is equally great. Now it is for the Government to take note of the orders that are passed by the Court and take such action as may be necessary in the matter and in the circumstances. This adjournment motion makes a particular reference to the order of High Court which is, according to him, has made certain severe strictures on the conduc of the Police Officer connected with the particular case referred by the Leader of the Opposition. If I go in to the merits of the case, it will not be relevent for me to go into the merits of the case, but whether this motion is admissible under the rules or not is the primary thing. This matter pertains to the omission or the commission of a particular police officer or a group of officers and the Court has passed certain orders on that. Government will take due notice of the orders passed and take such action may be necessary in the circumstances; whether the commission or the omission of a particular officer or a group of officers in the normal course of administrative activity, would be a matter of adjournment motion, unless it be of such a grave nature of such urgency. I fail to understand, although it may be contended for arguement sake that it is a matter of public importance, but I fail to understand the urgency-arugency which necessitates suspending of the normal business of this House and to make a debate on that. Well Sir, the omissions and commissions on the part of officers in the big machinery do happen every day and even Government find fault with so many officers and pass strictures against them. Whether this matter of such great urgency as to set aside the business of the House and raise a debate on that. I fail to understand the urgency in the matter. One thing I would like to point out at this stage. I have gone through the High Court Judgement, I have also gone through the leader in Hindu and the letter of Sri Shetty. Without going into the merits and discussing it, I personally feel that Government feel that they have just grounds to go in appeal on the issue to the Supreme Court. The matter is being examined by competent authority, by the Legal Department and on the advice of the Legal Department if we feel that we have a sound ground for appeal for expunging the remarks and any other relief that Government may ask for in the Supreme Court, the Government do propose to do so. The whole thing is being examined. Suffice it to say, Sir, that Government will not be happy to have a bad administration and particularly so, in the Home Department because it is a question of giving justice, maintaining law and order. Here a point has been made by the Hon'ble Leader of the Opposition that Law and Order position is going to be very much disturbed on this account. If the omission or commission of a couple officers or a few officers in a particular part of the country is in question, well, I fail to understand how he can imagine that the whole country's law and order is going to be shattered on that account. It is certainly not correct to say that.

1-30 P.M.

Sri V. SRINIVASA SHETTY.—What all he says is rot has set in.

Sri H. M. CHANNABASAPPA.—I will not be happy if rot sets in. I will be unhappy as you are, probably doubly. It is not the intention of the Government to shut off discussion on this subject. I want to make it clear. But it is only in the interest of proper appreciation of rules of Procednre, I must say that if we admit this as an adjournment motion, then every omission or commission on the part of an officer in the State which in the day to day administration does happen will have to be admitted.....

Sri J. B. MALLARADHYA.—The adjournment motion is very urgent and important because of failure of the Government in spite of the warnings by High Court to take action against the Police.

Sri H. M. CHANNABASAPPA.—I am sorry the Hon'ble Member is not well-informed. The Hon'ble Member himself admitted that he has not got High Court decision. With great difficulty, we have been able to secure one. We cannot take cognizance of paper report and take action on that. Anyway, I can assure this House and also the Country that under no circumstances would the Government like to do anything contrary to the law of the country and if anybody does, whether he be a Police man or whether he is a public man whoever he may be, the Government will certainly take necessary action to see that such things do not occur again. The point which I was driving at is that this is not a matter fit for an adjournment motion under the rules of procedure and we will be setting up a bad precedent if this matter is taken up as an adjournment motion and deemed to answer all the points that are required to be necessary under the rules of adjournment motion. That bad precedent will have far reaching consequences and therefore I would like the Hon'ble Speaker to make proper appreciation of the facts of the case and take a decision on that. I for one speaking on behalf of the Government wants to say that I appreciate the Hon'ble Members anxiety that Government should take immediate action. I can assure the House that the Government do make all efforts to see that immediate action is taken on all the points referred to after examining it in all its bearings. I feel that it is not a fit case for adjournment motion and it may be ruled out.

Sri J. B. MALLARADHYA.—Sir, having regard to the statement made by the Hon'ble Home Minister assuring the House that he will not allow anybody at whatever level it is to disobey the orders of the court or create a situation for the breakdown of the law and order situation and having assured the House, I consider that it is necessary that I accept his statement and explanation and I do not wish to press a discussion on that and withdraw it.